

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

AMBER NICOLE WATTS, Individually)
and as Surviving Parent and Next of Kin)
of BROOKE ADRIANA GOMEZ,)
Plaintiff,)
v.)
TOYOTA MOTOR CORPORATION,)
TOYOTA MOTOR NORTH AMERICA, INC.,)
TOYOTA MOTOR ENGINEERING &)
MANUFACTURING NORTH AMERICA,)
INC., TOYOTA MOTOR DISTRIBUTORS,)
INC., TOYOTA MOTOR SALES, U.S.A.,)
INC., and TOYOTA GROUP,)
Defendants.)
Civil Action No. 19-cv-00001

NOTICE OF REMOVAL

COMES Defendants TOYOTA MOTOR ENGINEERING & MANUFACTURING NORTH AMERICA, INC. (“TEMA”), and TOYOTA MOTOR SALES, U.S.A., INC. (“TMS”), and, pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1446(b) respectfully show the Court:

I. BACKGROUND

On September 19, 2022, TEMA and TMS were each served with a summons and Complaint, attached hereto as *Exhibits 1 and 2*, in a case styled *Amber Nicole Watts, etc., v. Toyota Motor Corporation, et al.*, No. C-22-154 Div. I, in the Circuit Court for Madison County, Tennessee.

II. **BASIS FOR REMOVAL**

The Court has subject matter jurisdiction under 28 U.S.C. § 1332(a)(1) because complete diversity exists between Plaintiff and the Defendants, and the amount in controversy exceeds \$75,000. Plaintiff is a citizen of the State of Tennessee. Compl., ¶ 1. TEMA, is, and was at all times relevant to this case, a corporation organized under the laws of the State of Kentucky with its principal place of business in the State of Texas. *Accord id.*, ¶ 5. Accordingly, TEMA is a citizen of the States of Kentucky and Texas for diversity purposes. TMS is, and was at all times relevant to this case, a corporation organized under the laws of the State of California with its principal place of business in the State of Texas. *Accord id.*, ¶ 2. Accordingly, TMS is a citizen of the States of California and Texas for diversity purposes. Toyota Motor Corporation is, and was at all times relevant to this case, a corporation organized under the laws of the Nation of Japan with its principal place of business in the Nation of Japan. *Accord id.*, ¶ 3. Accordingly, Toyota Motor Corporation is a citizen of the Nation of Japan for diversity purposes. Toyota Motor North America, Inc., is, and was at all times relevant to this case, a corporation organized under the laws of the State of California with its principal place of business in the State of Texas. *Accord id.*, ¶ 4. Accordingly, Toyota Motor North America, Inc., is a citizen of the States of California and Texas for diversity purposes. Toyota Motor Distributors, Inc., is, and was at all times relevant to this case, not a legal entity, and thus it has no citizenship for purposes of diversity jurisdiction. Toyota Group is, and was at all times relevant to this case, not a legal entity, and thus it has no citizenship for purposes of diversity jurisdiction. The Defendants were not citizens of the State of Tennessee at the time that Plaintiff commenced his lawsuit, and the Defendants are not presently citizens of the State of Tennessee. In her Complaint, Plaintiff prays for damages of \$10,000,000.

Compl. at p. 8. Thus, Plaintiff's amount in controversy is more than \$75,000, exclusive of interest and costs.

III. TEMA AND TMS HAVE MET ALL PROCEDURAL REQUIREMENTS FOR REMOVAL

This Notice of Removal is filed within 30 days of the date on which the case has become removable and within one year from the date the action was commenced. A true copy of this Notice of Removal is concurrently filed with the Circuit Court for Madison County, Tennessee as required by 28 U.S.C. §1446(d) (2022).

WHEREFORE, Defendants Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales, U.S.A., Inc., give notice that the action now pending against them in the Circuit Court for Madison County, Tennessee has been removed therefrom to this Court.

DATED this 17th day of October, 2022.

Respectfully submitted,

LEWIS THOMASON, P.C.

By: /s/ J. Randolph Bibb, Jr.
J. Randolph Bibb, Jr., B.P.R. No. 009350
424 Church Street, Suite 2500
Post Office Box 198615
Nashville, Tennessee 37219
(615) 259-1366 (telephone)
(615) 259-1389 (facsimile)
rbibb@lewisthomason.com

*Counsel for Defendants
Toyota Motor Engineering &
Manufacturing North America, Inc.,
and Toyota Motor Sales, U.S.A., Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the forgoing Notice of Removal has been served upon the counsel for the parties in interest herein by U.S. mail, first class postage prepaid.

Dean P. Dedmon, Esq.
B.P.R. No. 017949
W. Lewis Jenkins, Esq.
B.P.R. No. 017423
JENKINS DEDMON LAW GROUP LLP
426 Troy Avenue
Post Office Box 846
Dyersburg, Tennessee 38025-0846
(731) 259-6100 (telephone)

Counsel for Plaintiff

Dated this 17th day of October, 2022.

/s/ J. Randolph Bibb, Jr.

J. Randolph Bibb, Jr.